

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

STANLEY BOYNTON,

Plaintiff,

Case No. 14-13846

v

S. HENDERSON-PERO,

Defendant.

Honorable Thomas L. Ludington
Magistrate Judge Michael Hluchaniuk

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Stanley Boynton is a prisoner in the custody of the Michigan Department of Corrections. On October 6, 2014, Boynton filed his *pro se* complaint against his former dentist at the Saginaw Correctional Facility, Defendant S. Henderson-Pero. Boynton alleges that Henderson-Pero failed to provide appropriate medical care to treat his temporomandibular joint disorder while he was incarcerated at the Saginaw Correctional Facility in violation of the Eighth Amendment.

On December 12, 2014, Henderson-Pero filed a motion for summary judgment. On August 6, 2015, Magistrate Judge Michael Hluchaniuk issued a report recommending that Defendant's motion for summary judgment be granted. Judge Hluchaniuk noted that Boynton had received medical attention from Henderson-Pero, and that the essence of his claims was disagreement with some of her treatment decisions. Accordingly, Judge Hluchaniuk concluded that Boynton had not established a *prima facie* case of deliberate indifference under the Eighth Amendment.

Although Magistrate Judge Hluchaniuk's report explicitly stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 18) is **ADOPTED**.

It is further **ORDERED** that Defendant's motion for summary judgment (ECF No. 11) is **GRANTED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: September 8, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 8, 2015.

s/Karri Sandusky
Karri Sandusky, Acting Case Manager